The Centrality of Gender Equality and Women’s Empowerment for the Formulation of the Global Compact on Refugees

Introduction

The importance of gender equality, as well as the protection of the human rights of all women and girls displaced by crisis or persecution, or on the move in search of new economic opportunities and horizons, was clearly articulated in the New York Declaration on Refugees and Migrants (NYD).

The NYD’s annexed Comprehensive Refugee Response Framework (CRRF) took this further by addressing the rights and needs of women and girl refugees, specifically through their empowerment and meaningful participation in the decision-making that impacts their lives, and those of their families and communities. The CRRF builds on the 2030 Agenda for Sustainable Development which is premised in the principle of ‘leaving no one behind’.

As member states and other stakeholders convene to formulate the global compact on refugees – which will set out the specific measures to operationalize the CRRF, based on the principles of the New York Declaration - it is essential, for the immediate needs and long-term prospects of the millions of women and girls on the move, that these same commitments are maintained and operationalized, outlining the responsibilities and actions of States and other key stakeholders in the years to come.

Purpose of this Paper

This paper forms the basis of UN Women’s advocacy efforts in advance of the GCR thematic discussions for member states to be held in Geneva in October and November of 2017, as well as the consultations planned by UNHCR for 2018.

Specifically, UN Women is calling for a global compact on refugees (GCR) that provides the services, protection and resources required to address the rights and gender-specific needs of all refugee women, girls, men and boys. It is also calling for a GCR that acknowledges and promotes the contribution that women and girls’ leadership, equal participation and agency will bring to the delivery of more effective refugee response and durable solutions.

To that end, it is essential that the GCR’s efforts to operationalize the New York Declaration not only provides adequate protection and humanitarian services, but that it will also lead to transformative results that address the multiple and intersecting forms of discrimination experienced by refugee women and girls that lead to them being disproportionately affected by crises.

In this paper, UN Women outlines key recommendations on what needs to be included in the GCR to ensure it comprehensively addresses gender equality and the protection and empowerment of women and girls.
These recommendations are based on best practice, human rights and international refugee and humanitarian law and are organized in line with the four pillars of the Comprehensive Refugee Response Framework (CRRF).

Complementary to this paper, UN Women also supports the recommendations presented by the collection of non-governmental organizations (NGOs) committed to refugee responses that advance gender equality and respond fully to the concerns of refugee women and girls - “Making the Global Compact on Refugees Work for All Women and Girls”

Background

Across the world, women and girls face discrimination and violence every day due to gender inequality, and these conditions are further exacerbated in crisis and displacement contexts. With women and girls making up an estimated 50 per cent of the over 65 million forcibly displaced worldwide, it is necessary to ensure that States, the international community and civil society, not only address their specific needs and aspirations are addressed, but also seek out and utilize their capacity and contributions in a manner that is informed and aimed at facilitating positive transformation and empowerment.

Traditional responses to forced displacement have proven inadequate with increasing numbers of people being left without access to durable solutions. With the average length of displacement running to 17 years, it is essential to develop innovative solutions that recognize and address the diverse needs of women, girls, boys and men, and are conceived and implemented in a gender responsive way. Attaining solutions for displaced persons, including diverse women and girls, requires the concerted efforts of all actors, particularly States, from the early stages of displacement, including in emergencies.

It is essential that the provision of services to displaced populations offers viable long-term solutions that protect their rights and maintains their dignity. Central to this must be the development of their self-reliance and empowerment - especially for women and girls - allowing them to build a future of their own choosing and freeing them from dependence and vulnerability. For women and girls, this requires an interlinked and multi-sectoral approach that addresses, strongly and without compromise, women’s equal and meaningful participation in decision making processes, specifically in peace and reconciliation efforts; equitable access to education, health and livelihoods opportunities; and effective gender mainstreaming efforts into all modalities aimed at providing assistance to displaced persons. In many cases, ensuring women’s contributions and increased self-reliance will lead to positive social and economic outcomes not only for themselves, but for their families, communities and host countries as well, meaning more effective and cost-efficient service delivery.

The New York Declaration

On September 19, 2016, the United Nations General Assembly adopted a set of commitments to enhance the protection of refugees and migrants. These commitments are known as the New York Declaration on Refugees and Migrants. The New York Declaration reaffirms the importance of the international refugee regime and represents a commitment by Member States to strengthen and enhance mechanisms to protect people on the move.

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2 UNHCR Global Trends 2017
3 Global Campaign for Equal Nationality Rights
Contained within the New York Declaration, is the call for the creation of a global compact on refugees that will provide guidance to the international community on how to respond to large movements of refugees (both in protracted and new situations). It will have four key objectives:

1. Ease pressures on countries that welcome and host refugees;
2. Build self-reliance of refugees;
3. Expand access to resettlement in third countries and other complementary pathways;
4. Foster conditions that enable refugees voluntarily to return to their home countries.

The global compact on refugees will have two parts:

1. The Comprehensive Refugee Response Framework, as already agreed to by Member States in the New York Declaration and supplemented by a preamble and concluding paragraphs.
2. A Programme of Action (PoA) that will draw upon good practices from around the world, and set out specific measures to be taken by UN Member States and others to operationalise the principles of the New York Declaration.

The Programme of Action is intended to set out the necessary actions required to bring about the kind of comprehensive refugee response envisaged by the New York Declaration. As such, it is essential that the strong commitments to gender equality and the empowerment of women and girls laid out in the New York Declaration are reflected in the final version of the PoA.

These commitments include:

- Mainstreaming a gender perspective in all refugee response initiatives;
- Promotion of gender equality and the empowerment of all women and girls;
- Fully respecting and protecting the human rights of all women and girls;
- Combatting sexual and gender-based violence;
- Provision of access to sexual and reproductive health-care services;
- Tackling multiple and intersecting forms of discrimination against refugee and migrant women and girls; and
- Recognizing and facilitating the significant contribution and leadership of women in refugee and migrant communities, to ensure their full, equal and meaningful participation in the development of local solutions and opportunities.

Details on the consultation process of developing the global compact for refugees can be found at UNHCR’s Towards a Global Compact on Refugees website.

**Recommendations to Ensure the Centrality of Gender Equality and the Human Rights, Empowerment and Protection of Women and Girls into the Global Compact on Refugees and its Programme of Action**

**I. Reception and Admission**

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<tr>
<th>Specific Commitments to Gender Equality and the Rights and Empowerment of Women and Girls on Reception and Admission in the New York Declaration and the CRRF:</th>
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<td>The adoption of gender responsive reception of all persons arriving (NYD Paragraph 22).</td>
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<td>Addressing the particular vulnerabilities of women and children during the journey from country of origin to arrival (NYD Paragraph 29).</td>
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<td>Provision of adequate, safe and dignified reception conditions with an emphasis on the prevention and response to sexual and gender based violence (CRRF Paragraph 5.b).</td>
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<td>Use of the registration process to identify specific needs including for women at risk, victims of trafficking, victims of trauma and survivors of sexual violence (CRRF Paragraph 5.e)</td>
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**Protection-sensitive entry systems** - With increasing numbers of people forcibly displaced, compliance with international refugee and humanitarian law in different parts of the world has become more contentious.

In such circumstances, with tighter border controls, refugees can resort to irregular entry. For women and girls, this can render them particularly at risk, especially if travelling alone. Resorting to people smugglers exposes them to risks such as the possibility of being sold, early and forced marriages and sexual exploitation and abuse. Furthermore, their illegal entry can exclude them from accessing the specific protection and humanitarian services they require to meet their needs. UNHCR’s 10-Point Action Plan, defines “protection-sensitive” entry systems as those that consider the protection needs of individuals seeking access to a given state’s territory and the obligations of that state, as defined under international human rights and refugee law. Whilst respecting the state’s sovereign right to set the measures on who it grants entry or otherwise into its territory, protection-sensitive entry systems ensure that these measures are legitimate and allow asylum-seekers to be granted access so that their specific protection and humanitarian needs can be properly assessed and addressed.

**Safe and dignified reception conditions** - Reception arrangements are the means that a host country have in place for the reception of new arrivals. They offer the host country the initial opportunity to distinguish between designated categories of people, including those claiming refugee status. It also offers them the opportunity to assess their immediate needs and to identify individuals who are more vulnerable than others, including women and girls at risk, such as those on their own and female headed households.

However, reception conditions in many countries are inadequate and do not meet the specific needs of women and girls. New arrivals are often held in detention or accommodated in reception centers where women and girls have to share the same living space as men who are not their family members. These centers often suffer from overcrowding, and lack adequate facilities, such as segregated toilets WASH facilities or the provision of protection and humanitarian services by qualified personnel. Such poor conditions can heighten the risk of SGBV, exacerbate trauma as well as other medical conditions, including complications for pregnant and nursing mothers and their children.

Poorly managed reception conditions can exclude women and girls from accessing their rights to asylum and protection. A lack of female reception staff, interpreters or little or no access to information can discourage women and girls from articulating their needs or impeded their understanding of the asylum process. Often women and girls are totally dependent on a male that they are travelling with, be it a family member or a trafficker, so they are often not personally spoken to.

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4 UNHCR Global Trends 2016  
5 Reception of Female Refugees and Asylum Seekers in the EU Case Study Germany - European Parliament DG Internal Policies 2016  
6 Hur Feministisk ar Sveriges Utrikespolitik – Concord 2016  
**Recommendations:**

1. Establish protection-sensitive entry systems that do not compromise the right of persons in need of international protection and help encourage those most vulnerable, including women and girls, to avoid potentially illegal entry strategies that can exclude them from accessing the services they need and expose them to heightened protection risks – such as sexual exploitation and abuse, trafficking and smuggling, resorting to transactional sex, taking hazardous routes to avoid detection.

2. Mitigate the risk of SGBV at reception or detention centers by ensuring conditions that respect the safety and dignity of all accommodated there. Gender segregated and hygienic toilet and washing facilities (including adequate sanitary supplies) and sleeping arrangements for unaccompanied women, men, girls and boys should be provided.

3. Ensure that immediate humanitarian needs services are freely and equally available to all refugees, including women and girls. This should include access to sexual and reproductive health services.

4. Provide appropriate services from qualified personnel to meet the medical, psycho-social and legal needs of SGBV survivors – both for cases arising in countries of origin, transit countries and after arrival in host countries.

5. Recognize the broad spectrum of gender based violence in the country of origin and during displacement – including early and forced marriage, female genital mutilation, dowry-related violence, domestic violence, trafficking, lesbian, gay, bisexual, transgender and intersex (LGBTI) persecution, stigma – as valid conditions to allow asylum requests and to respect the obligations to non-refoulment.

6. Ensure that all staff at reception and detention centers are trained in protection from sexual exploitation and abuse (PSEA) and that a standardized, zero-tolerance formal code of conduct is set in place. All accommodated at the centers should be made aware of their rights and the zero tolerance of any SEA by staff or others accommodated at the reception/detention center. An easily accessible, anonymous and confidential complaints mechanism must be in place.

7. Ensure the widest protection of the family unity of asylum seekers. Provide safe spaces for women and children and family spaces.

8. Build the capacity of staff at reception centers on international humanitarian and refugee law, PSEA, and how to identify and refer vulnerable people, including women and girls at risk, survivors of trafficking, survivors of trauma and violence, people with disabilities as well as LGBTI individuals.

9. Pay equal attention to male survivors of SGBV. Take into consideration that male survivors of SGBV are often more unlikely to report incidents due to gender norms and taboos.

10. Ensure adequate numbers of trained female staff – including case-workers, interpreters and security staff are available at all times to liaise with arrivals and support women and girls through the registration process and in referring them to protection and humanitarian services. Separate and private facilities for the interviewing of women and girls should be available and used.

11. Ensure access of information on the available services and the asylum application process to all women and girls at the reception center, including those who are accompanied by a male companion.

12. Register all women and girls as individuals. Adult women should be registered independently from their husbands and/or other male family members, though systems should link families together once registered.

13. Increase the knowledge and respect of staff at reception centers as well as authorities for LGBTI persons and their gender-related protection needs and rights.

14. Acknowledge persecution based on sexual orientation and gender identity as valid needs for asylum request and respect to the obligations of non-refoulment.

15. Avoid the practice of asylum-related detention, particularly of vulnerable persons including women and girls at risk, LGBTI persons, survivors of SGBV, trauma and other violence and persons with disabilities except in cases of security concerns. No asylum seeker should be subject to prison-like conditions.

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**CONSIDER THIS:**

1 in 5 detained refugee women interviewed by Women for Refugee Women reported they had tried to kill themselves in detention.³

³ See the PSEA Task Force for more details

II. Support for Immediate and ongoing Needs

Specific Commitments to Gender Equality and the Rights and Empowerment of Women and Girls on Immediate and Ongoing Needs in the New York Declaration and the CRRF:

- Take into consideration the different needs and vulnerabilities and capacities of women, girls, boys and men (NYD Para. 31)
- Mainstream a gender perspective, promoting gender equality and empowering all women and girls (NYD Para. 31)
- Fully respect and protect the human rights of women and girls (NYD Para. 31)
- Combat SGBV to the greatest extent possible (NYD Para. 31)
- Provide access to sexual and reproductive health care services (NYD Para. 31)
- Ensuring that women and girls have access to essential health care services (NYD Para. 83)
- The adoption of gender responsive reception of all persons arriving (NYD Paragraph 22).
- Encourage and empower refugees at the onset of an emergency phase to establish supportive systems and networks that are gender-sensitive, with a particular emphasis on the protection and empowerment of women and children and others with specific needs (CRRF Para 7c)

It is well known that crises that lead to displacement impact women, girls, boys and men of all ages differently. Due to gender inequality and their often-limited access and control over resources, women and girls are disproportionately exposed to the effects of crisis. For instance, one woman in five is likely to experience sexual violence in humanitarian settings, female headed households are more likely to be food insecure and at the bottom of vulnerability indexes, girls are more likely to be pulled out of school, women and girls are more likely to face isolation in displacement, rates of child marriage increase, and maternal deaths double in crisis settings.

At the same time, women and girls are not solely victims of crisis. Experience and research show that when women are included in the planning and implementation of their humanitarian needs, their entire families and communities benefit.

The development of women and girls’ self-reliance and resilience is a crucial aspect in addressing their service needs, as well as reducing their levels of vulnerability and contributing to their sense of self-worth and improved mental health. Many displaced women have lost access to their means of livelihood or find themselves as the main provider for themselves and/or their families for the first time. They need support in gaining back their resources or developing new skills that will help build their self-reliance and resilience.

Recommendations:
1. Base the humanitarian services and interventions provided for refugee populations on the minimum standards and best practice guidance provided by internationally accepted humanitarian resources

CONSIDER THIS:
Estimates show child marriage rates to be four times higher among Syrian refugees today than before the crisis. 47 per cent of the 2,400 interviewed married refugee Syrian women in Lebanon, aged 20 to 24 years old, were child brides.

507 maternal deaths were estimated to take place every day in emergency situations and fragile states in 2015. This number has likely increased over the past two years.

Among the affected population in Syria and refugees in the region, four million women and girls of reproductive age need special attention. This includes nearly half a million pregnant women in Syria alone in addition to the estimated 70,000 currently pregnant refugee women from Syria.

10 New study finds child marriage rising among most vulnerable Syrian refugees – UNFPA 2017
12 Women and Girls in teh Syria Response – Facts and Figure – UNFPA 2015
14 Education Cannot Wait, ODI 2016
15 The Effect of Gender Equality Programming on Humanitarian Outcomes, UN Women 2015
including the Sphere Standards, UNHCR’s policy and guidance on refugee women and girls, the IASC GBV Guidelines and Gender in Humanitarian Action Handbook.16

2. Ensure that the assessment and planning for the refugee population’s needs are based on sex- and age-disaggregated data, and that a gender analysis of the refugee populations circumstances in their host country is conducted.

3. Ensure that refugee women and girls are equally consulted in the assessment and planning process for service provision so that their needs and vulnerabilities are adequately identified and addressed.

4. Include women’s leadership and participation in the implementation and delivery of services to refugee communities.

5. Ensure that women are included in all cash-based intervention strategies in a manner that are gender transformative and will not heighten their exposure to the risk of GBV.

6. Identify sustainable and appropriate livelihood opportunities for women that are feasible and viable. Consult with women and girls to determine the type of marketable skills they would like to acquire. Provide women with the necessary skills training to access such opportunities.

7. Provide services to assist with the care-duties which may impede women’s ability to work.

8. Where feasible, remove any legal restrictions that impede women’s access to legal formal employment – including recognition or fast-tracked conversion of educational and professional qualifications.

9. Provide women and girls of all ages and previous educational backgrounds access to formal and non-formal education – especially local languages, lack of which can be a barrier to integration.

10. Provide sexual and reproductive health services and rights education for adults and youth.

11. Promote gender equal forms of masculinity and ensure that men and boys are engaged as partners in the formulation and provision of services to meet the needs of all of the refugee population.

12. Ensure that GBV prevention strategies are central to the provision of all refugee services, including enhancing the self-reliance and resilience of women to mitigate GBV risks. Adopt a ‘do-no-harm’ strategy in the provision of services so that they do not exacerbate any protection risks.

13. Provide comprehensive GBV survivor medical and counselling services. Ensure that refugee women and girls are confident in the full protection of the law and recourse to legal redress.

14. Ensure that all staff providing humanitarian services are trained in protection from sexual exploitation and abuse (PSEA17) and that a standardized, zero-tolerance formal code of conduct is set in place. All beneficiaries of services provided should be made aware of their rights and the zero tolerance of any SEA by staff. An easily accessible, anonymous and confidential complaints mechanism must be in place.

15. Assist women and girls to obtain essential documentation to establish their identification and legal ownership of assets – birth certificates, marriage certificates, land-deeds, passports etc.

16. Ensure easy access and communication streams for individuals to follow up their asylum application process. Follow up with especially vulnerable individuals who may have potential difficultly doing it for themselves.

III. Support for Host Countries and Host Communities

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<td>• Work to ensure [women in refugee and migrant communities] full, equal and meaningful participation in the development of local solutions and opportunities (NYD Para 31)</td>
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With the majority of the world’s displaced in developing countries, the arrival of large numbers of additional people can further stretch the limited resources in already impoverished areas. This can lead to tensions between the refugee and host communities and often this tension results in inter-community violence, including SGBV. However, research suggests that facilitating open inter-action amongst refugees and the

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16 Sphere, UNHCR Women, IASC GBV Guidelines, IASC Gender in Humanitarian Action Handbook
17 See the PSEA Task Force for more details
host communities, mixed with cash-based aid methodologies, leads to a net economic gain for the local economy\textsuperscript{18}. Seeing such apparent benefits – along with facilitated cross community dialogue - is crucial to assisting inter-community positive relations.

**Recommendations:**

1. Provide host countries, if needed, with technical support to ensure the adequate integration of gender and women’s empowerment into the assessment and planning for anticipated, or after the fact, arrival of large refugee movements. Help identify the support national and local authorities will need to ensure that the needs of all refugees – including women and girls – are adequately identified and addressed.

2. Work with national authorities to build their capacity across all sectors to be able to address the economic, social and protection needs of all refugees, including those specific to women and girls. These would include immigration authorities, police, judiciary, education, ministries etc.

3. Strengthen partnerships with, build the capacity of and provide funding to local women’s rights and youth organisations to assist and represent refugee populations and address the intersecting barriers to promote gender equality in displacement contexts.

4. Assist government authorities to integrate the specific needs of women and girl refugees into national development plans, and if relevant, humanitarian response plans.

5. Support gender-transformative community programmes that seek to prevent SGBV.

6. Consider the impact of displacement on men’s gender roles, identities and relations and engage men and boys as partners for gender equality.

7. Assess the absorption capacity of host communities to make sure that hosting arrangements will not cause harm to host communities and potentially cause resentment towards the refugees. If possible, provide support to the host community, where they have similar needs (water, food, sanitation, etc.). Assistance to women refugees – such as cash based transfers, livelihood opportunities etc. – should have visible and tangible social and economic benefits to the host country and communities.

### IV. Durable Solutions

**Specific Commitments to Gender Equality and the Rights and Empowerment of Women and Girls on Durable Solutions in the New York Declaration and the CRRF:**

- Support efforts to foster reconciliation and dialogue with refugee communities with equal participation of women and youth (CRRF Paragraph 12.d)
- Facilitate the participation of refugees, including women in peace and reconciliation processes (CRRF Paragraph 12.e)
- Take measures to enable refugees, including in particular women and youth to make the best use of their skills and capacities (CRRF Paragraph 13.c).

\textsuperscript{18} Economic Impact of Refugees – PNAS July 2016


\textsuperscript{21} Letter dated 18 July 2017 from the Permanent Representatives of Sweden, the United Kingdom of Great Britain and Northern Ireland and Uruguay to the United Nations addressed to the Secretary-General. Available at: http://www.peacewomen.org/sites/default/files/N1722530.pdf
For many refugee women and girls, repatriation is not a viable option and permanent settlement in their host country, or an alternative country, may be the only solution that offers meaningful protection and a final solution. In 2016, survivors of violence or torture (including women and girls), accounted for 24 per cent of UNHCR’s resettlement submissions – a quadrupling since 2005. In 2015 alone, 12,174 women and girls who were at risk of abuse had resettlement cases submitted to UNHCR. This constituted 12 per cent of all cases submitted to UNHCR for resettlement in 2015. While resettlement submissions and departures reached an all-time high in 2016, it is unlikely to be sustained in 2017, which will result in many deserving cases not being able to benefit from this crucial protection modality.

**Consider This:**
Research that included a focus on refugee settings suggests that gender equality programming increases the overall effectiveness of humanitarian outcomes.

Women can face challenges in finding durable solutions, due to restrictions such as their ability to obtain a divorce, or the custody of their children, or the lack of documentation to prove their status in these regards. Such limitations can put women and children at risk by offering them little option but to remain in hazardous circumstances in their country of origin/first country of asylum, or by forcing them to embark on dangerous journeys to reunite with family members already living in safety. As fleeing to Europe is often considered too dangerous for women and girls, it is common that men and older boys embark on this dangerous journey first. Thereby, women and girls tend to be left behind and depend heavily on the possibility for family reunification. As an example, in 2015, 30 percent of those seeking asylum in Sweden were women and girls. The same year, women accounted for 60 percent of those who were granted residence permits for family reunification. The possibility for family reunification therefore provides important opportunities for women and children who are otherwise left behind.

**Recommendations:**
1. Continue efforts to embed gender equality, as well as age and diversity-sensitive approaches, into legislative frameworks, and protection and solutions strategies, and to translate these into concrete actions with tangible impact.
2. Systematically maintain a high level of awareness about the risks of discrimination and the protection challenges faced by women and girls, linked to their gender, age and background and institutionalize efforts to develop capacity to respond to the various risks displaced women and girls face, in an accountable and responsible manner.
3. Reinforce efforts to address the needs and capacities of displaced women and girls by allowing them to access and be included in national frameworks aimed at promoting self-reliance and empowerment.
4. Ensure that displaced women are afforded an equal voice in the creation of conditions that would help refugees to return in safety and dignity to their countries of origin – including peace negotiations, formulation of political solutions, humanitarian, reconstruction and recovery assessment and planning.
5. Provide accessible, relevant and actionable information on all options for durable solutions – be it voluntary repatriation, resettlement and other legal pathways – to all refugees, including women and girls, so that they can freely make informed decisions.
6. Protect the rights of all refugee women to independently choose their own durable solution based on the options available to them. Prevent gender discrimination leading to decisions being conferred upon them by a husband or other male family members.
7. Establish referral pathways for women and girls at risk of GBV in their host communities and/or their country of origin (including their dependents) to access specific resettlement opportunities that afford them the protection outcomes they need through agencies facilitating resettlement options. Local authorities and agencies that assist women and girl refugees at risk should be aware of these pathways.

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22 Leo Dobbs, UNHCR report sees 2017 resettlement needs at 1.19 million, 13 June 2016
23 Executive Committee of the High Commissioner’s Program, Update on resettlement, EC/68/SC/CRRP.14, 69th session, 2015,
26 Hur Feministiskar Sveriges Utrikespolitik – Concord 2016
Similarly, resettlement officers should be trained with the requisite skills to identify and screen at risk women and girls.

8. Ensure that any innovative or temporary resettlement options offered by third-countries – such as private sector sponsorship, medical/humanitarian evacuation, academic leave of stay etc. – are also accessible by women and girls and offer options for keeping families together.

9. Women and girls should have independent access to their own personal identification and travel documents.

10. Engage men and boys from the refugee and host communities in advocating for the protection and empowerment of refugee women and girls and sexual and gender minorities. Support community intervention programmes that seek to promote gender equal expressions of masculinity and challenge gender stereotypes that adversely impact women, men, girls and boys as well as sexual and gender minorities.

11. Women’s ability to acquire a citizenship or residency status and pass it on to their children must not be associated or dependent on the corresponding status of a male relative.